

**HOUSE BILL NO. 383**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE RAMRAS

Introduced: 2/23/10

Referred: Labor and Commerce, Resources, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the powers and duties of the Department of Natural Resources,  
2 including transferring certain powers and duties to the Department of Commerce,  
3 Community, and Economic Development."

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 \* **Section 1.** AS 03.05.010 is amended to read:

6 **Sec. 03.05.010. Powers and duties of commissioner of commerce,**  
7 **community, and economic development [NATURAL RESOURCES].** (a) The  
8 commissioner of **commerce, community, and economic development** [NATURAL  
9 RESOURCES] shall

10 (1) direct, administer, and supervise promotional and experimental  
11 work, extension services, and agricultural projects for the purpose of promoting and  
12 developing the agricultural industry within the state including such fields as  
13 horticulture, dairying, cattle raising, fur farming, grain production, vegetable  
14 production, and development of other agricultural products;

1 (2) procure and preserve all information pertaining to the development  
2 of the agricultural industry and disseminate that information to the public;

3 (3) assist prospective settlers and others desiring to engage in the  
4 agricultural industry in the state with information concerning areas suitable for  
5 agriculture and other activities and programs essential to the development of the  
6 agricultural industry in the state;

7 (4) review the marketing, financing, and development of agricultural  
8 products inside the state including transportation, with special emphasis upon local  
9 production, and negotiate for the marketing of agricultural products of the state with  
10 federal and state agencies operating in the state;

11 (5) regulate and control the entry into the state and the transportation,  
12 sale, or use inside the state of plants, seeds, vegetables, shell eggs, fruits and berries,  
13 nursery stock, animal feeds, remedies and mineral supplements, fertilizers, and  
14 agricultural chemicals in order to prevent the spread of pests, diseases, or toxic  
15 substances injurious to the public interest, and to protect the agricultural industry  
16 against fraud, deception, and misrepresentation; in this connection the commissioner  
17 may require registration, inspection, and testing, and establish procedures and fees;  
18 and

19 (6) regulate the farming of elk in a manner similar to the manner in  
20 which the commissioner regulates domestic animals and livestock, to the extent that is  
21 appropriate.

22 (b) To carry out the requirements of this title, the commissioner of **commerce,**  
23 **community, and economic development** [NATURAL RESOURCES] may issue  
24 orders, regulations, quarantines, and embargoes relating to

25 (1) examination and inspection of premises containing products,  
26 articles, and commodities carrying pests;

27 (2) establishment of quarantines for eradication of pests;

28 (3) establishment of standards and labeling requirements pertaining to  
29 the sale of agricultural and vegetable seeds;

30 (4) tests and analyses which may be made and hearings which may be  
31 held to determine whether the commissioner will issue a stop order or quarantine;

1 (5) cooperation with federal and other state agencies.

2 \* **Sec. 2.** AS 03.05.027(a) is amended to read:

3 (a) The commissioner of **commerce, community, and economic**  
4 **development** [NATURAL RESOURCES] shall employ or appoint a state coordinator  
5 for noxious weed, invasive plant, and agricultural pest management and education.

6 \* **Sec. 3.** AS 03.05.040(b) is amended to read:

7 (b) In this section, "commissioner" means commissioner of **commerce,**  
8 **community, and economic development** [NATURAL RESOURCES] with respect to  
9 those products over which the commissioner of **commerce, community, and**  
10 **economic development** [NATURAL RESOURCES] has jurisdiction under this title,  
11 and the commissioner of environmental conservation with respect to those products  
12 over which the commissioner of environmental conservation has jurisdiction under  
13 this title.

14 \* **Sec. 4.** AS 03.05.050(b) is amended to read:

15 (b) In this section, "commissioner" means commissioner of **commerce,**  
16 **community, and economic development** [NATURAL RESOURCES] with respect to  
17 those products over which the commissioner of **commerce, community, and**  
18 **economic development** [NATURAL RESOURCES] has jurisdiction under this title,  
19 and the commissioner of environmental conservation with respect to those products  
20 over which the commissioner of environmental conservation has jurisdiction under  
21 this title.

22 \* **Sec. 5.** AS 03.05.075(a) is amended to read:

23 (a) Elk may be raised and bred as domestic stock for commercial purposes,  
24 including the sale of meat, by a person who lawfully owns the elk and who holds a  
25 current valid elk farming license. The commissioner of **commerce, community, and**  
26 **economic development** [NATURAL RESOURCES] may issue an elk farming license  
27 for the farming of elk to a person who applies on a form provided by the  
28 commissioner, pays the biennial elk farming license fee, and proves to the satisfaction  
29 of the commissioner that the person lawfully owns the elk, intends to raise and breed  
30 elk, and possesses facilities for maintaining the elk under positive control. Before  
31 issuing or renewing an elk farming license, the commissioner shall conduct a physical

1 inspection of the elk farming facilities and determine that the facilities are in good  
 2 repair and comply with the fencing standards established under (d) of this section. In  
 3 this subsection, "lawfully owns" means ownership that was obtained without violating  
 4 a state or federal law or regulation or a condition of a license or permit issued with  
 5 respect to elk.

6 \* **Sec. 6.** AS 03.05.075(b) is amended to read:

7 (b) The commissioner of commerce, community, and economic  
 8 development [NATURAL RESOURCES] shall provide to the Department of Fish  
 9 and Game a copy of each application for an elk farming license received by the  
 10 commissioner and each elk farming license issued by the commissioner.

11 \* **Sec. 7.** AS 03.05.075(d) is amended to read:

12 (d) The commissioner of commerce, community, and economic  
 13 development [NATURAL RESOURCES] shall establish fencing standards for elk  
 14 farming facilities to maintain elk under positive control. Proposed fencing standards  
 15 shall be submitted to the commissioner of fish and game for review before the  
 16 standards are adopted or amended.

17 \* **Sec. 8.** AS 03.05.075(e) is amended to read:

18 (e) Notwithstanding other provisions of law, a license or permit is not required  
 19 from the Department of Fish and Game in order to import, export, or possess elk for  
 20 the purpose of elk farming. Elk imported, exported, or possessed for the purpose of elk  
 21 farming are subject to the provisions of this title and regulations adopted under this  
 22 title by the commissioner of commerce, community, and economic development  
 23 [NATURAL RESOURCES] or the commissioner of environmental conservation for  
 24 domestic animals and livestock, to the extent they are made applicable to elk by the  
 25 commissioners.

26 \* **Sec. 9.** AS 03.05.090(a) is amended to read:

27 (a) A person who violates a provision of this chapter or a regulation, order, or  
 28 quarantine made under authority of this chapter, or violates a provision of a permit  
 29 issued under this chapter, or sells seeds failing to meet the labeling requirements,  
 30 standards, and tests provided for by regulation of the commissioner of commerce,  
 31 community, and economic development [NATURAL RESOURCES] or the

1 commissioner of environmental conservation is guilty of a class A misdemeanor for  
2 each offense.

3 \* **Sec. 10.** AS 03.22.010 is amended to read:

4 **Sec. 03.22.010. Establishment of plant materials center.** The **Department**  
5 **of Commerce, Community, and Economic Development** [DEPARTMENT OF  
6 NATURAL RESOURCES], in cooperation with the college or department of the  
7 University of Alaska responsible for the Agricultural and Forestry Experiment Station,  
8 shall establish and maintain a plant materials center.

9 \* **Sec. 11.** AS 03.22.040 is amended to read:

10 **Sec. 03.22.040. Personnel.** The department shall ensure that competent  
11 professional, secretarial, and subprofessional personnel necessary to carry on the work  
12 of the center are employed. The administrator of the plant materials center is a joint  
13 appointment between the **Department of Commerce, Community, and Economic**  
14 **Development** [DEPARTMENT OF NATURAL RESOURCES] and the college or  
15 department of the University of Alaska responsible for the Agricultural and Forestry  
16 Experiment Station.

17 \* **Sec. 12.** AS 03.40.030(a) is amended to read:

18 (a) To adopt a brand or mark, a person shall forward to the commissioner of  
19 **commerce, community, and economic development** [NATURAL RESOURCES] a  
20 facsimile of the brand or mark, together with a written application, and the recording  
21 fee of \$2. Upon receipt, the commissioner shall record the brand or mark unless it is of  
22 record or conflicts or closely resembles that of some other person, in which case the  
23 commissioner shall return the facsimile and fee to the applicant. A brand described as  
24 being on either side of the animal may not be accepted or recorded.

25 \* **Sec. 13.** AS 03.90.010 is amended to read:

26 **Sec. 03.90.010. Definitions.** In this title, unless otherwise indicated,

27 (1) "commissioner" means the commissioner of **commerce,**  
28 **community, and economic development** [NATURAL RESOURCES];

29 (2) "department" means the Department of **Commerce, Community,**  
30 **and Economic Development** [NATURAL RESOURCES].

31 \* **Sec. 14.** AS 44.33 is amended by adding a new section to read:

**Article 14A. Agricultural Duties.**

**Sec. 44.33.910. Duties of department with respect to agriculture.** The Department of Commerce, Community, and Economic Development shall

(1) get and distribute information on subjects connected with agriculture;

(2) control and regulate the entry and transportation of seeds, plants, and other horticultural products;

(3) control and eradicate the spread of pests injurious to plants, trees, vegetables, livestock, and poultry;

(4) aid in developing used and unused agricultural resources; and

(5) experiment and determine practical methods of growing, processing, soil analysis, eradication of obnoxious weeds, control of insects, and cheaper and more satisfactory methods of land clearing.

\* **Sec. 15.** AS 44.37.020(a) is amended to read:

(a) The Department of Natural Resources shall administer the state program for the conservation and development of natural resources, including forests, parks, and recreational areas, land, water, [AGRICULTURE,] soil conservation, and minerals including petroleum and natural gas, but excluding commercial fisheries, sport fish, game, and fur-bearing animals in their natural state.

\* **Sec. 16.** AS 44.37.030 is repealed.